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Attorney Docket No. 2106

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of) Examiner: Charles E. Phillips
FRANKLIN H. JOHNSON ET AL.) Art Unit: 3751
Application No. 10/614,269)
Filed July 7, 2003)
For FOLDABLE, PORTABLE BED)
BATH DEVICE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement interposed by the Examiner on April 23, 2004, Applicants elect with traverse to prosecute the claimed invention of the following "specie": FIG. 1. According to the action, Claim 1 is generic. The following are considered readable on the elected specie of FIG. 1: Claims 1- 9 and 20. The remaining species/ claims are held in abeyance until final disposition of the elected specie and claims readable thereon.

Applicants traverse this restriction requirement on the grounds that examination of the "species" cited would not impose an undue burden on the Examiner. According to MPEP §803, there must be a serious burden on the Examiner if restriction is required. It is believed that the amount of searching for the embodiments illustrated in the seven figures listed on page 2 of the Office action would not be appreciably more than the search required for only one of the species. MPEP §803 also says that if search and examination of an entire application can be made without serious burden, the Examiner must examine it

Application No. 10/614,269

Page 2

on the merits, even if the Examiner considers the claims to describe independent or distinct inventions.

Applicants also traverse this restriction requirement on the grounds that appropriate explanation for the specific reasons for the restriction (separate classification, status or field of search) was not given in the Office action. According to MPEP §808.02, the Office action, in order to establish reasons for insisting upon restriction, must show by appropriate explanation one of the following: separate classification, separate status in the art, or different field of search [also see MPEP 806.05(c)].

Applicants request allowance of the claims.

Respectfully submitted,

The Harleston Law Firm, LLC

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